IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24955 of 2004

Between:

Smt.B.Lakshmi Devi, W/o.Sudhakar,

Aged about 34 years, Occ: F.P.shop dealer,

R/o. Gondiparla Village, Kurnool Mandal & District.

..... PETITIONER

AND

1. The Joint Collector,

Kurnool District.

2. The Revenue Divisional Officer,

Kurnool District.

3. The Mandal Revenue Officer,

Kurnool Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of

Mandamus declaring the action of the 2nd respondent in proceedings Rc.B.1553 of 2004 dt.7.12.2004 as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the respondents to restore the authorization of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner was cancelled by the 2nd respondent through order, dated 07.12.2004, on the ground that she is working as Anganwadi Teacher. She preferred an appeal before the 1st respondent. She also filed an application for stay. It is represented that the 1st respondent rejected the application for stay. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Though learned counsel for the petitioner had urged several grounds touching on the merits of the matter, this Court is not inclined to deal with the same at this stage. The question, as to whether the order of cancellation suffers from any illegality or infirmity, needs to be examined by the appellate authority after calling for the record. Except where the order is passed by an authority not vested with the jurisdiction and where an order is passed without issuing any notice to the dealer, this Court does not interfere with the order of cancellation, unless the remedy of appeal is exhausted.

Hence, the writ petition is dismissed. However, the 1st respondent shall dispose of

the appeal preferred by the petitioner, within a period of six weeks from the date of receipt of a copy of this order and the 2nd respondent shall not make

any regular appointment in the place of the petitioner, till the disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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31.12.2004

Jsu

To

1. The Joint Collector,

Kurnool District.

2. The Revenue Divisional Officer,

Kurnool District.

3. The Mandal Revenue Officer,

Kurnool Mandal, Kurnool District.

4 2CCs to the G.P for Revenue, High Court Buildings,

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